

B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koichiro Hori  
For: ELECTRONIC ENDOSCOPE  
Serial No.: 08/895,386  
Filing Date: 07/16/97  
Group: 3732  
Examiner: J. Leubecker  
Batch No.: H16  
Attorney's Docket No.: HORI-101AX CON2

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL,  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON

2 April 1999

(DATE OF DEPOSIT)

Nicholas A. Pandiscio

(NAME OF ATTORNEY)

Nicholas A. Pandiscio

(SIGNATURE)

2/4/99

(DATE OF SIGNATURE)

Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

Enclosed please find a Verified Statement Claiming Small Business Entity  
Status for filing in connection with the above-identified patent application.

Also enclosed is a copy of a Confirmatory Assignment Of Patents transferring  
all rights in the above-identified application from Oktas, a general partnership, to  
Vista Medical Technologies, Inc. The enclosed Assignment was mailed to the  
Patent Office for recordation on March 19, 1999.

The above-identified patent application was filed as a large entity. However,  
the present assignee of the above application has confirmed that it qualifies as a  
small entity.

Please charge any fee, or credit any refund which may be due in connection  
with the filing of the enclosed Verified Statement, to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

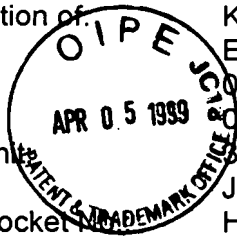
Nicholas A. Pandiscio

Nicholas A. Pandiscio  
Reg. No. 17,293  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. (781) 290-0060

RECEIVED  
APR 8 1999  
Publishing Division  
Corres/Allowed Files (07)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Koichiro Hori  
For: ELECTRONIC ENDOSCOPE  
Serial No.: 08/895,386  
Filing Date: 07/16/97  
Group Art Unit: 3732  
Examiner: J. Leubecker  
Attorney's Docket: HORI-101AX CON2



Assistant Commissioner For Patents  
Washington, D.C. 20231

Sir:

VERIFIED STATEMENT CLAIMING SMALL BUSINESS ENTITY STATUS

The undersigned, Koichiro Hori, hereby declares that he is a Vice President of Vista Medical Technologies, Inc., a Delaware corporation having a principal place of business at Carlsbad, California, and is empowered to act on behalf of said corporation in this matter; that said corporation qualifies as a small business concern as defined in 13 C.F.R. 121.3-18 for purposes of paying reduced fees under Title 35, United States Code, Sections 41(a) and (b), in that the number of employees of said corporation, including those of its affiliates, does not exceed 500 persons; and that on information and belief, exclusive rights under contract have been conveyed to and remain in said corporation with regard to the invention described and claimed in the above-identified U.S. patent application.

For purposes of this statement, the number of employees of said corporation is the average over the previous fiscal year of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and concerns are affiliates of each other when either directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

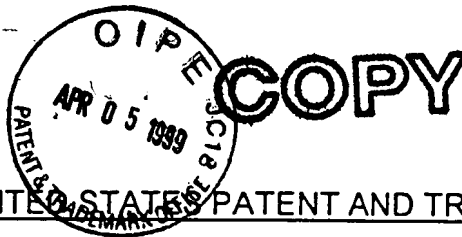
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Section 1001, and that such willful false statements may jeopardize the validity of the above-identified application, any patent issuing thereon, or any patent to which this verified statement is directed.

VISTA MEDICAL TECHNOLOGIES, INC.

Date: 3.23.99

By:

Koichiro Hori  
Koichiro Hori  
Vice President



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application: Koichiro Hori  
Serial No.: 08/895,386  
Filing Date: 07/16/97  
For: Electronic Endoscope  
Group Art Unit: 3732  
Examiner: J. Leubecker  
Batch No.: H16  
Attorney's Docket No.: HORI-101AX CON2

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL.  
POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231, ON:

19 MARCH 1999

(DATE OF DEPOSIT)

Nicholas A. Pandiscio

(NAME OF ATTORNEY)

Nicholas A. Pandiscio

(SIGNATURE)

3/19/99

(DATE OF SIGNATURE)

Box Assignments  
Assistant Commissioner For Patents  
Washington, D.C. 20231

Gentlemen:

Enclosed is an Assignment of the above-identified patent application from Oktas, a general partnership organized and existing under the laws of the Commonwealth of Massachusetts, to Vista Medical Technologies, Inc., a Delaware Corporation.

Also enclosed is a check in the amount of \$40.00 to cover the cost of recording the Assignment.

Would you please record the enclosed Assignment and then return the original, recorded Assignment to the below signed attorney.

If any additional fees are required in connection with this matter, please charge the same to Deposit Account No. 16-0221.

Thank you.

Respectfully submitted,

Nicholas A. Pandiscio

Nicholas A. Pandiscio

Reg. No. 17,293

Pandiscio & Pandiscio

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. (781) 290-0060





**CONFIRMATORY ASSIGNMENT OF PATENTS**

WHEREAS, Oktas, a general partnership organized and existing under the laws of the Commonwealth of Massachusetts (hereinafter referred to as **ASSIGNOR**), is the sole and exclusive owner of the following patent and also of all of the inventions described and claimed in said patent, including the right to apply for and obtain foreign patents on said invention:

**U. S. Patent Application Serial No. 08/895,386**, filed 16 July 1997 by Koichiro Hori for "ELECTRONIC ENDOSCOPE" (HORI-101AX CON2);

WHEREAS, Vista Medical Technologies, Inc., a corporation organized and existing under the laws of the State of Delaware and having a principal place of business at 5451 Avenida Encinas, Suite A, Carlsbad, California 92008 (hereinafter referred to as **ASSIGNEE**) has acquired, the entire right, title and interest in and to said U.S. patent application and the inventions described and claimed therein and in said application Serial No. 08/895,386; and

WHEREAS, **ASSIGNOR** has agreed to execute such additional instruments as may be necessary or desirable to complete or confirm such acquisition by **ASSIGNEE** of said U.S. patent application and the inventions described and/or claimed therein and/or in said application Serial No. 08/895,386;

NOW, THEREFORE, in consideration of the foregoing, as well as for other good and valuable consideration, receipt of which is hereby acknowledged, **ASSIGNOR** hereby sells, assigns, transfers and sets over to **ASSIGNEE**, its successors, assigns and legal representatives, the entire right, title and

interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto, in and to and under said U.S. patent application Serial No. 08/895,386, and any and all inventions set forth and described in said U.S. patent application Serial No. 08/895,386 and any and all patents and like rights of exclusion (including extensions thereof) of any country which may be granted on or for said inventions or on any counterpart, divisional, continuing, reissue or other patent application based on said U.S. patent application Serial No. 08/895,386, the same to be held and enjoyed by the ASSIGNEE for its own use and behoof, and for the use and behoof of its successors, assigns or other legal representatives, as fully and entirely as the same would have been held and enjoyed by ASSIGNOR if this assignment and sale had not been made, together with all claims for damages for or by reason of past, present or future infringement of said inventions or said U.S. patent application or any other patent issued or based on said U. S. patent application Serial No. 08/895,386 or misuse or theft of any of said inventions and the right to sue for and collect such damages for its own use and behoof, and for the use and behoof of its successors, assigns or other legal representatives;

And ASSIGNOR further covenants that it has the full right to convey to ASSIGNEE the entire right, title and interest in, to and under said U.S. patent application Serial No. 08/895,386 and the inventions set forth and/or described in said U.S. patent application Serial No. 08/895,386, including the right to apply for and obtain and maintain patents in any country on any of said inventions, and further that prior to this assignment ASSIGNOR's right, title and interest in and to said inventions, said U.S. patent application Serial No. 08/895,386 have not been otherwise encumbered with respect to a third party

and ASSIGNOR has not executed and will not execute any agreement in conflict therewith.

And ASSIGNOR also hereby sells, assigns and transfers unto the ASSIGNEE, its successors and assigns, all of its rights under the International Convention for the Protection of Industrial Property and all other treaties of like purpose in respect of each and all of said applications for patent and each and all of the inventions set forth or described in said U.S. patent application Serial No. 08/895,386, and any other patents issued on said inventions or said applications for patent;

And ASSIGNOR hereby authorizes the ASSIGNEE, its successors, assigns or other legal representatives to apply in its or their own name or names for patents and like rights of exclusion on or for said inventions or any of them or any part thereof in all countries, claiming if it or they so desire the priority of the filing date under the provisions of said Convention and all such other treaties of like purpose;

And, for the same consideration, ASSIGNOR hereby agrees for itself, its successors, assigns and other legal representatives, promptly upon request of the ASSIGNEE, its successors, assigns or other legal representatives, to execute and deliver, or have executed and delivered, without further compensation any power of attorney, assignment, or other lawful documents and any further assurances that may be deemed necessary by the ASSIGNEE, its successors, assigns or other legal representatives, fully to secure to ASSIGNEE and its successors, assigns or other legal representatives, the entire right, title and interest as aforesaid in and to the said U.S. patent

application Serial No. 08/895,386, the inventions described and or claimed in said U.S. patent application Serial No. 08/895,386 and any and all U.S. and foreign patents and like rights of exclusion that have been or may be granted in and to or under said applications for patent or for any of said inventions.

IN WITNESS WHEREOF, ASSIGNOR has caused this instrument to be executed by its duly authorized officer, effective this 17 day of March, 1999.

OKTAS (a general partnership)

By Robert DeVaeere  
Robert DeVaeere  
Secretary

ACKNOWLEDGMENT

State of California)  
County of San Diego)

On this 17 day of March, 1999,  
before me personally came Robert DeVaeere, to me personally known and known to me to be the Secretary of the party identified as ASSIGNOR, who executed the foregoing assignment and acknowledged that he executed the same on behalf of and as authorized by ASSIGNOR.

Kelly Rodriguez  
Notary Public

My commission expires: 4-18-00

